

REMARKS/ARGUMENTS

By this paper, Applicant responds to the Restriction Requirement of April 21, 2005 and respectfully requests consideration of the application. This paper is timely.

Claims 186-303 are now pending, a total of 117 claims. Claims 186, 187, 213, 225, 241, 252, 264, 282, 287, and 294 are independent.

The amendments to the claims are directed to overcoming the restriction requirement, and neither narrow the claims nor affect statutory substantive patentability.

I. Replacement Specification

Applicant requests confirmation that the Replacement Specification filed April 12, 2004, is entered.

II. Election

Claims 186 (Group I) and 300 (Group II) are obvious over each other.

Claims 299 (Group II) and 302 (Group III) are obvious over each other.

Claims 301 (Group III) and 303 (Group IV) are obvious over each other.

Claims 266 (Group IV) and 296 (Group V) are obvious over each other.

There is therefore only one Group, which includes claims 186 to 303. Applicant elects this Group.

In a first alternative election, Applicant elects one of the groups proposed in November 2004, as modified by observations that certain claims are obvious with respect to each other. That group includes claims 186-263 and 299-302.

In a second alternative, Applicant elects Group II as proposed in April 2005, with traverse.

III. Observation and Traverse

The various groups remain misclassified. The misclassification will impair the quality of search.

Group I (claim 186) is now classified in 705/35 (“computerized arrangement for planning the disposition or use of funds or securities, or extension of credit”). (Claim 186 has earlier been classified in 705/38 and 705/308). However, this claim will also have to be searched in at least 705/1 (“Automated Electrical Financial Or Business Practice Or Management Arrangement”), 705/36 (“Portfolio selection, planning or analysis”), 705/37 (“Trading, matching, or bidding”) and 705/38 (“Credit (risk) processing or loan processing (e.g., mortgage)”), with 705/35 being the single best classification.¹

Applicant observes that it is highly unusual to divide a “picture” claim like claim 186 from all other claims. Applicant suggests that claim 186 should be grouped with claims 187-251.

Group II (claims 187-251) is now classified in 705/38. (Claims of Group II have earlier been classified in 705/37, 705/35, 707/37 and 707/10). However, Group II is generic to both credit and insurance (see claim 211). If 705/38 is a proper search class for Group II, Group II should also be searched in 705/35. Various claims in Group II will have to be searched in 705/1, 705/36 and 705/37 as well, with 705/35 being the single best classification.

Group III (claims 252-263) is now classified in 705/37 (after earlier being classified in 707/37). Applicant notes that these claims have been grouped with claims 187-239 in **three** prior papers. It is highly irregular to propose to divide them now. Applicant also notes that various claims in Group III will have to be searched in 705/1, 705/35, 705/36 and 705/38, with 705/35 being the single best classification.

Group IV (claims 264-286) is now classified in 705/30 (Accounting) (after earlier being classified in 705/1). 705/30 is simply incorrect. The subject matter of these claims is not within the art of “accounting” as “accounting” is ordinarily understood by those in the art. Various aspects of Group IV should be searched in 705/1, 705/35, 705/36, 705/37 and 705/38, with 705/35 being the single best classification.

¹ This discussion is directed to assisting the Examiner in framing an efficient search, and therefore is intended to direct the Examiner to the place where the best prior art is likely to be. It should be understood that this is not a limiting discussion of the invention or the scope of the claims.

Group V (claims 287-298) is now classified in 705/1 (after being earlier classified in 705/38 and 705/308). Various aspects of Group V should be searched in 705/35, 705/36, 705/37 and 705/38, with 705/35 being the single best classification.

Over the several restriction requirement papers, the boundaries between groups have been inconsistent. Classification of the groups has been inconsistent. The claims have been assigned to nonsensical and nonexistent classes. Closely related claims have been proposed to be divided from each other. Examiner Akers' earlier statement, that these claims are directed to a single invention, is now simply disregarded, even though the MPEP indicates that it should be given "full faith and credit." All this strongly suggests that there is no principled basis for division of this application; rather, the restrictions appear to be mere "grasping at straws" to avoid examination.

There are two simple facts. (a) None of the claim groups falls entirely in any subclass; rather, each Group requires search in several subclasses, and the search subclasses for the Groups are essentially identical. The single best class for each group is the same. Under the MPEP's definition of "serious" search burden, there is no such burden, and no basis for restriction. (b) These claims are too interrelated to support a restriction requirement – a search of Group II will result in a search of the subject matter of the other groups. There is no "serious" search burden.

Applicant respectfully requests that this application be examined with no further delay.

In view of the amendments and remarks, Applicant respectfully submits that the claims are in condition for allowance. Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 23-2405, Order No. 114459-05.

Respectfully submitted,

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Dated: May 23, 2005

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